

No. 93
STATE OF MICHIGAN
Journal of the Senate
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REGULAR SESSION OF 2006

Senate Chamber, Lansing, Thursday, December 7, 2006.

10:00 a.m.

The Senate was called to order by the President, Lieutenant Governor John D. Cherry, Jr.

The roll was called by the Secretary of the Senate, who announced that a quorum was present.

Allen—present
Barcia—present
Basham—excused
Birkholz—present
Bishop—present
Brater—present
Brown—present
Cassis—present
Cherry—present
Clark-Coleman—present
Clarke—present
Cropsey—present
Emerson—present

Garcia—present
George—present
Gilbert—present
Goschka—present
Hammerstrom—present
Hardiman—present
Jacobs—present
Jelinek—excused
Johnson—present
Kuipers—present
Leland—present
McManus—present
Olshove—present

Patterson—present
Prusi—present
Sanborn—present
Schauer—present
Scott—present
Sikkema—present
Stamas—present
Switalski—present
Thomas—present
Toy—present
Van Woerkom—present
Whitmer—present

Pastor Anthony R. Hood of Scott Memorial United Methodist Church of Detroit offered the following invocation:

Almighty God, we give You honor and praise. We thank You for giving us one more day to experience the beauty of Your creation. Pour out Your spirit of grace and peace upon these elected officials as they gather today. Speak to their hearts and minds. Grant them Your wisdom as they make decisions that affect the lives of all the residents in the state of Michigan.

Bless our state, our residents, and our lawmakers with a common vision as we navigate the current economic realities. Let this day be the beginning of a glorious new future for the state of Michigan. Look with favor upon these men and women as they seek the common good for our state.

Merciful and loving God, hear our prayer. Amen.

The President, Lieutenant Governor Cherry, led the members of the Senate in recital of the *Pledge of Allegiance*.

Motions and Communications

Senator Hammerstrom moved that consideration of the following bills be postponed for today:

Senate Bill No. 246

Senate Bill No. 1242

The motion prevailed.

Senator Hammerstrom moved that Senator Jelinek be excused from today's session.

The motion prevailed.

Senator Hammerstrom moved that the rules be suspended and that the following bills, now on Committee Reports, be placed on the General Orders calendar for consideration today:

Senate Bill No. 1303

Senate Bill No. 1304

House Bill No. 6182

Senate Bill No. 1327

Senate Bill No. 350

The motion prevailed, a majority of the members serving voting therefor.

Senator Schauer moved that Senators Brater and Leland be temporarily excused from today's session.

The motion prevailed.

Senator Schauer moved that Senator Basham be excused from today's session.

The motion prevailed.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, December 6:

House Bill Nos. 5923 5927 6695

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, December 7:

House Bill Nos. 4647 5966 6313 6474 6475 6476 6477 6638 6639 6693

Senator Garcia entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of

Messages from the House

Senate Bill No. 248, entitled

A bill to amend 1949 PA 300, entitled "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or

generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," by amending sections 628 and 629 (MCL 257.628 and 257.629), as amended by 2006 PA 85.

The House of Representatives has concurred in the Senate amendment to the House substitute (H-8) and ordered that the bill be given immediate effect.

Senator Hammerstrom moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 387, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 35d.

The House of Representatives has substituted (H-3) the bill.

The House of Representatives has passed the bill as substituted (H-3), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1975 PA 228, entitled "An act to provide for the imposition, levy, computation, collection, assessment and enforcement, by lien or otherwise, of taxes on certain commercial, business, and financial activities; to prescribe the manner and times of making certain reports and paying taxes; to prescribe the powers and duties of public officers and state departments; to permit the inspection of records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits, and refunds; to provide penalties; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to provide an appropriation," (MCL 208.1 to 208.145) by adding section 34; and to repeal acts and parts of acts.

Pursuant to rule 3.202, the bill was laid over one day.

By unanimous consent the Senate proceeded to the order of

General Orders

Senator Hammerstrom moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the President, Lieutenant Governor Cherry, designated Senator Hardiman as Chairperson.

After some time spent therein, the Committee arose; and, the President pro tempore, Senator Birkholz, having assumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

House Bill No. 6043, entitled

A bill to amend 2005 PA 210, entitled "Commercial rehabilitation act," by amending section 2 (MCL 207.842).

House Bill No. 5999, entitled

A bill to amend 1909 PA 17, entitled "An act to prohibit or limit the access by prisoners and by employees of correctional facilities to certain weapons and to alcoholic liquor, drugs, medicines, poisons, and controlled substances in, on, or outside of correctional facilities; to prohibit or limit the bringing into or onto certain facilities and real property, and the disposition of, certain weapons and substances; to prohibit or limit the selling, giving, or furnishing of certain weapons and substances to prisoners; to prohibit the control or possession of certain weapons and substances by prisoners; and to prescribe penalties," (MCL 800.281 to 800.285) by amending the title, as amended by 1982 PA 343, and by adding section 3a.

House Bill No. 6000, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 17g of chapter XVII (MCL 777.17g), as added by 2002 PA 28.

House Bill No. 6271, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 1715 (MCL 600.1715), as amended by 1983 PA 228.

House Bill No. 6394, entitled

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending section 12a (MCL 28.432a), as amended by 2002 PA 719.

House Bill No. 6416, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7524 (MCL 333.7524), as amended by 1994 PA 8.

House Bill No. 6553, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 39 of chapter XVII (MCL 777.39), as added by 1998 PA 317.

House Bill No. 6636, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 11105a (MCL 324.11105a), as added by 1995 PA 124; and to repeal acts and parts of acts.

House Bill No. 5033, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 9 (MCL 211.9), as amended by 2003 PA 140.

House Bill No. 5278, entitled

A bill to amend 1919 PA 339, entitled "Dog law of 1919," (MCL 287.261 to 287.290) by adding section 14a.

House Bill No. 6239, entitled

A bill to amend 1943 PA 174, entitled "An act to establish a fiscal year for and the time of filing annual reports based thereon of counties, county road commissions and other county agencies; and to declare the effect of this act," by amending section 1 (MCL 45.201), as amended by 1994 PA 347.

House Bill No. 5529, entitled

A bill to amend 1951 PA 33, entitled "An act to provide police and fire protection for townships and for certain areas in townships, certain incorporated villages, and certain cities; to authorize contracting for fire and police protection; to authorize the purchase of fire and police equipment, and the maintenance and operation of the equipment; to provide for defraying the cost of the equipment; to authorize the creation of special assessment districts and the levying and collecting of special assessments; to authorize the issuance of special assessment bonds in anticipation of the collection of special assessments and the advancement of the amount necessary to pay such bonds, and to provide for reimbursement for such advances by reassessment if necessary; to authorize the collection of fees for certain emergency services in townships and other municipalities; to authorize the creation of administrative boards and to prescribe their powers and duties; to provide for the appointment of traffic officers and to prescribe their powers and duties; and to repeal acts and parts of acts," by amending section 11 (MCL 41.811), as amended by 2004 PA 464.

House Bill No. 6116, entitled

A bill to amend 1959 PA 54, entitled "An act to provide for the disposition and sale of certain stolen property recovered by any county sheriff; and to provide for the disposition of the proceeds of sale and certain other property," by amending section 1 (MCL 434.171), as amended by 1984 PA 257.

House Bill No. 6322, entitled

A bill to amend 1979 PA 214, entitled "An act to provide for the disposition and sale of certain stolen or abandoned property recovered or discovered within a village or township; and to provide for the disposition of the proceeds of sale and certain other property," by amending the title and section 1 (MCL 434.181), the title as amended by 1984 PA 258.

House Bill No. 5553, entitled

A bill to amend 1988 PA 57, entitled "An act to provide for the incorporation by 2 or more municipalities of certain authorities for the purpose of providing emergency services to municipalities; to provide for the powers and duties of authorities and of certain state and local agencies and officers; to guarantee certain labor contracts and employment rights in regard to the formation and reorganization of authorities; to provide for certain condemnation proceedings; to provide for the levy of property taxes for certain purposes; and to prescribe penalties and provide remedies," by amending the title and sections 5 and 9 (MCL 124.605 and 124.609), the title as amended by 1999 PA 167.

House Bill No. 6137, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 217d, 801, 811d, 811e, 811f, 811g, 811h, 811i, 811j, 811k, 811l, and 811n (MCL 257.217d, 257.801, 257.811d, 257.811e, 257.811f, 257.811g, 257.811h, 257.811i, 257.811j, 257.811k, 257.811l, and 257.811n), sections 217d and 811h as amended by 2003 PA 152, section 801 as amended by 2006 PA 136, section 811d as amended by 2005 PA 317, section 811e as amended by 2001 PA 124, sections 811f and 811g as added by 2000 PA 77, section 811i as added by 2000 PA 74, section 811j as added by 2000 PA 71, section 811k as added by 2000 PA 73, section 811l as added by 2000 PA 70, and section 811n as added by 2000 PA 79, and by adding sections 811m, 811o, 811p, and 811q; and to repeal acts and parts of acts.

House Bill No. 6631, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 197c (MCL 750.197c), as amended by 1998 PA 510.

House Bill No. 6632, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16j of chapter XVII (MCL 777.16j), as amended by 2006 PA 243.

House Bill No. 6181, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 15g to chapter IV.

House Bill No. 6275, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," (MCL 791.201 to 791.283) by adding section 40.

House Bill No. 6364, entitled

A bill to amend 1945 PA 302, entitled "An act authorizing the governor to proclaim a state of emergency, and to prescribe the powers and duties of the governor with respect thereto; and to prescribe penalties," by amending section 1 (MCL 10.31).

House Bill No. 6363, entitled

A bill to amend 1976 PA 390, entitled "Emergency management act," by amending section 5 (MCL 30.405), as amended by 1990 PA 50.

House Bill No. 5657, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7410 (MCL 333.7410), as amended by 2006 PA 216.

House Bill No. 5658, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 18 of chapter XVII (MCL 777.18), as amended by 2000 PA 304.

House Bill No. 4806, entitled

A bill to amend 1949 PA 300, "Michigan vehicle code," by amending section 810b (MCL 257.810b), as amended by 2005 PA 141, and by adding section 601a.

House Bill No. 6348, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 2157b.

House Bill No. 6174, entitled

A bill to amend 1973 PA 116, entitled "An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts," by amending sections 5, 5c, and 5f (MCL 722.115, 722.115c, and 722.115f), section 5 as amended by 2006 PA 51, section 5c as added by 2005 PA 133, and section 5f as added by 2005 PA 128.

House Bill No. 5815, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 2264a.

House Bill No. 5816, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," (MCL 550.1101 to 550.1704) by adding section 409a.

The bills were placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 1327, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1532 (MCL 380.1532), as amended by 1995 PA 289.

Substitute (S-1).

The Senate agreed to the substitute recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 350, entitled

A bill to amend 1933 PA 254, entitled "The motor carrier act," by amending sections 2 and 10a of article V (MCL 479.2 and 479.10a), section 2 of article V as amended by 1996 PA 76 and section 10a of article V as amended by 1993 PA 352, and by adding article I-A; and to repeal acts and parts of acts.

Substitute (S-2).

The Senate agreed to the substitute recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
House Bill No. 4357, entitled

A bill to amend 2004 PA 438, entitled "An act to designate Police Officers Memorial Day in the state of Michigan," by amending the title and sections 1 and 2 (MCL 435.351 and 435.352).

Substitute (S-1).

The Senate agreed to the substitute recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
House Bill No. 6325, entitled

A bill to amend 1965 PA 261, entitled "An act to authorize the creation and to prescribe the powers and duties of county and regional parks and recreation commissions; and to prescribe the powers and duties of county boards of commissioners with respect to county and regional parks and recreation commissions," by amending section 1 (MCL 46.351), as amended by 2003 PA 187.

Substitute (S-1).

The Senate agreed to the substitute recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
House Bill No. 4889, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 733 (MCL 257.733), as amended by 2004 PA 62.

Substitute (S-1).

The Senate agreed to the substitute recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
House Bill No. 6182, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 1g to chapter IV.

Substitute (S-1).

The Senate agreed to the substitute recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
House Bill No. 5221, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8407 (MCL 600.8407), as amended by 1991 PA 192.

Substitute (S-2).

The Senate agreed to the substitute recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
House Bill No. 6173, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1230, 1230a, 1230c, 1230d, 1230g, 1535a, and 1539b (MCL 380.1230, 380.1230a, 380.1230c, 380.1230d, 380.1230g, 380.1535a, and 380.1539b), as amended by 2006 PA 84, and by adding section 1230e.

Substitute (S-2).

The following are the amendments to the substitute recommended by the Committee of the Whole:

1. Amend page 13, line 22, after "means" by striking out "either" and inserting "ANY".

2. Amend page 14, following line 9, by inserting:

"(iii) TO WORK AS AN OFFICIAL FOR AN INTERSCHOLASTIC ATHLETIC GAME, CONTEST, OR TOURNAMENT."

3. Amend page 25, line 13, after "means" by striking out "either" and inserting "ANY".

4. Amend page 25, following line 27, by inserting:
“(iii) TO WORK AS AN OFFICIAL FOR AN INTERSCHOLASTIC ATHLETIC GAME, CONTEST, OR TOURNAMENT.”
5. Amend page 27, line 3, by striking out “either” and inserting “ANY”.
6. Amend page 27, following line 17, by inserting:
“(iii) TO WORK AS AN OFFICIAL FOR AN INTERSCHOLASTIC ATHLETIC GAME, CONTEST, OR TOURNAMENT.”
7. Amend page 33, line 11, after “means” by striking out “either” and inserting “ANY”.
8. Amend page 33, following line 25, by inserting:
“(iii) TO WORK AS AN OFFICIAL FOR AN INTERSCHOLASTIC ATHLETIC GAME, CONTEST, OR TOURNAMENT.”
9. Amend page 34, line 14, by striking out “EITHER” and inserting “ANY”.
10. Amend page 35, following line 1, by inserting:
“(iii) TO WORK AS AN OFFICIAL FOR AN INTERSCHOLASTIC ATHLETIC GAME, CONTEST, OR TOURNAMENT.”
11. Amend page 41, line 4, after “VERIFIED” by inserting “USING PUBLIC RECORDS”.
12. Amend page 44, line 17, after “means” by striking out “either” and inserting “ANY”.
13. Amend page 45, following line 4, by inserting:
“(iii) TO WORK AS AN OFFICIAL FOR AN INTERSCHOLASTIC ATHLETIC GAME, CONTEST, OR TOURNAMENT.”

The Senate agreed to the substitute, as amended, recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 1303, entitled

A bill to amend 1980 PA 299, entitled “Occupational code,” by amending sections 2201, 2202, 2203, 2204, 2205, 2208, 2209, 2210, and 2211 (MCL 339.2201, 339.2202, 339.2203, 339.2204, 339.2205, 339.2208, 339.2209, 339.2210, and 339.2211), section 2204 as amended by 1981 PA 83 and sections 2205 and 2209 as amended by 1988 PA 463, and by adding section 2202a.

Substitute (S-3).

The Senate agreed to the substitute recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 1304, entitled

A bill to amend 1979 PA 152, entitled “State license fee act,” by amending section 15 (MCL 338.2215), as amended by 2003 PA 87.

Substitute (S-1).

The Senate agreed to the substitute recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

During the Committee of the Whole, Senators McManus and Brater entered the Senate Chamber.

By unanimous consent the Senate returned to the order of
Third Reading of Bills

Senator Hammerstrom moved that the rules be suspended and that the following bills, now on the order of Third Reading of Bills, be placed on their immediate passage:

Senate Bill No. 1304

Senate Bill No. 1303

Senate Bill No. 1327

Senate Bill No. 350

The motion prevailed, a majority of the members serving voting therefor.

Senator Hammerstrom moved that the following bills be placed at the head of the Third Reading of Bills calendar:

Senate Bill No. 1303

Senate Bill No. 1304

Senate Bill No. 1327

Senate Bill No. 350

House Bill No. 6303

House Bill No. 5580

House Bill No. 5704

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 1303, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 2201, 2202, 2203, 2204, 2205, 2208, 2209, 2210, and 2211 (MCL 339.2201, 339.2202, 339.2203, 339.2204, 339.2205, 339.2208, 339.2209, 339.2210, and 339.2211), section 2204 as amended by 1981 PA 83 and sections 2205 and 2209 as amended by 1988 PA 463, and by adding section 2202a.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 794

Yeas—34

Allen	Clarke	Johnson	Scott
Barcia	Cropsey	Kuipers	Sikkema
Birkholz	Garcia	McManus	Stamas
Bishop	George	Olshove	Switalski
Brater	Gilbert	Patterson	Thomas
Brown	Goschka	Prusi	Toy
Cassis	Hammerstrom	Sanborn	Van Woerkom
Cherry	Hardiman	Schauer	Whitmer
Clark-Coleman	Jacobs		

Nays—1

Emerson

Excused—3

Basham

Jelinek

Leland

Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.

Senator Leland entered the Senate Chamber.

The following bill was read a third time:

Senate Bill No. 1304, entitled

A bill to amend 1979 PA 152, entitled “State license fee act,” by amending section 15 (MCL 338.2215), as amended by 2003 PA 87.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 795

Yeas—35

Allen	Clarke	Johnson	Scott
Barcia	Cropsey	Kuipers	Sikkema
Birkholz	Garcia	Leland	Stamas
Bishop	George	McManus	Switalski
Brater	Gilbert	Olshove	Thomas
Brown	Goschka	Patterson	Toy
Cassis	Hammerstrom	Prusi	Van Woerkom
Cherry	Hardiman	Sanborn	Whitmer
Clark-Coleman	Jacobs	Schauer	

Nays—1

Emerson

Excused—2

Basham Jelinek

Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1327, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1532 (MCL 380.1532), as amended by 1995 PA 289.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 796

Yeas—35

Allen	Clarke	Johnson	Scott
Barcia	Cropsey	Kuipers	Sikkema
Birkholz	Garcia	Leland	Stamas
Bishop	George	McManus	Switalski
Brater	Gilbert	Olshove	Thomas

Brown
Cassis
Cherry
Clark-Coleman

Goschka
Hammerstrom
Hardiman
Jacobs

Patterson
Prusi
Sanborn
Schauer

Toy
Van Woerkom
Whitmer

Nays—1

Emerson

Excused—2

Basham

Jelinek

Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 350, entitled

A bill to amend 1933 PA 254, entitled “The motor carrier act,” by amending section 1 of article I, sections 5, 6, 7, and 10 of article II, section 6 of article III, and section 2 of article V (MCL 475.1, 476.5, 476.6, 476.7, 476.10, 477.6, and 479.2), section 1 of article I, sections 5 and 7 of article II, and section 6 of article III as amended by 1993 PA 352, sections 6 and 10 of article II as amended by 1982 PA 399, and section 2 of article V as amended by 1996 PA 76, and by adding section 7 to article V.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 797

Yeas—21

Allen
Birkholz
Bishop
Brown
Cassis
Cropsey

Garcia
George
Gilbert
Goschka
Hammerstrom

Hardiman
Johnson
Kuipers
McManus
Patterson

Sanborn
Sikkema
Stamas
Toy
Van Woerkom

Nays—15

Barcia
Brater
Cherry
Clark-Coleman

Clarke
Emerson
Jacobs
Leland

Olshove
Prusi
Schauer
Scott

Switalski
Thomas
Whitmer

Excused—2

Basham

Jelinek

Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 6303, entitled

A bill to amend 1996 PA 381, entitled “Brownfield redevelopment financing act,” by amending section 13 (MCL 125.2663), as amended by 2006 PA 32.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 798**Yeas—34**

Allen	Clarke	Johnson	Scott
Barcia	Cropsey	Kuipers	Sikkema
Birkholz	Garcia	McManus	Stamas
Bishop	George	Olshove	Switalski
Brater	Gilbert	Patterson	Thomas
Brown	Goschka	Prusi	Toy
Cassis	Hammerstrom	Sanborn	Van Woerkom
Cherry	Hardiman	Schauer	Whitmer
Clark-Coleman	Jacobs		

Nays—2

Emerson	Leland
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Excused—2

Basham	Jelinek
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Not Voting—0

In The Chair: Birkholz

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to authorize municipalities to create a brownfield redevelopment authority to facilitate the implementation of brownfield plans; to create brownfield redevelopment zones; to promote the revitalization, redevelopment, and reuse of certain property, including, but not limited to, tax reverted, blighted, or functionally obsolete property; to prescribe the powers and duties of brownfield redevelopment authorities; to permit the issuance of bonds and other evidences of indebtedness by an authority; to authorize the acquisition and disposal of certain property; to authorize certain funds; to prescribe certain powers and duties of certain state officers and agencies; and to authorize and permit the use of certain tax increment financing.”

The Senate agreed to the full title.

The following bill was announced:

House Bill No. 5580, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 24c and 24d (MCL 168.24c and 168.24d).

(This bill was read a third time on December 5 and consideration postponed. See Senate Journal No. 91, p. 2334.)

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 799

Yeas—33

Allen	Cropsey	Johnson	Scott
Barcia	Garcia	Kuipers	Sikkema
Birkholz	George	Leland	Stamas
Bishop	Gilbert	McManus	Switalski
Brater	Goschka	Olshove	Thomas
Brown	Hammerstrom	Prusi	Toy
Cassis	Hardiman	Sanborn	Van Woerkom
Clark-Coleman	Jacobs	Schauer	Whitmer
Clarke			

Nays—2

Cherry	Emerson
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Excused—2

Basham	Jelinek
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Not Voting—1

Patterson

In The Chair: Birkholz

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

"An act to reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act,".

The Senate agreed to the full title.

The following bill was announced:

House Bill No. 5704, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 312 and 646a (MCL 168.312 and 168.646a), section 312 as amended by 2005 PA 71 and section 646a as amended by 2004 PA 295.

(This bill was read a third time on December 5 and consideration postponed. See Senate Journal No. 91, p. 2334.)

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 800

Yeas—34

Allen	Cropsey	Kuipers	Scott
Barcia	Garcia	Leland	Sikkema
Birkholz	George	McManus	Stamas
Bishop	Gilbert	Olshove	Switalski
Brater	Goschka	Patterson	Thomas
Brown	Hammerstrom	Prusi	Toy
Cassis	Hardiman	Sanborn	Van Woerkom
Clark-Coleman	Jacobs	Schauer	Whitmer
Clarke	Johnson		

Nays—2

Cherry Emerson

Excused—2

Basham Jelinek

Not Voting—0

In The Chair: Birkholz

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

"An act to reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act,".

The Senate agreed to the full title.

By unanimous consent the Senate proceeded to the order of

Resolutions

Senator Hammerstrom moved that consideration of the following resolution be postponed for today:

Senate Resolution No. 71

The motion prevailed.

The question was placed on the adoption of the following resolution consent calendar:

Senate Resolution No. 167

The resolution consent calendar was adopted.

Senator Clark-Coleman offered the following resolution:

Senate Resolution No. 167.

A resolution in memoriam to Dearborn Mayor Michael A. Guido.

“Well done, good and faithful servant; thou hast been faithful over a few things, I will make thee ruler over many things. Enter into the joy of thy Lord.”

— Matthew 25:23

Whereas, The members of the Michigan Senate wish to extend heartfelt condolences to the family and friends of Dearborn Mayor Michael A. Guido. We respect his many contributions to the Dearborn community as a 29-year officeholder. We honor the nearly three decades he served the city of Dearborn, therefore, improving the lives of Michiganders; and

Whereas, Mayor Guido first served as a Dearborn City Council member from 1977 to 1985 and then served the people of Dearborn as mayor for six terms from 1986 to 2006. He changed the physical face and space of Dearborn, initiating projects that revived critical residential and retail areas downtown. The jewel in his development cap was the construction of the Ford Community & Performing Arts Center in 2001, the largest municipally-owned recreation center in North America; and

Whereas, A Dearborn native, Mayor Guido combined a friendly, easy-going manner with a knack for getting things done. He improved public safety by renovating the police station, creating the municipal Justice Complex, enhancing the 9-1-1-system, and providing new body armor for officers, among other changes. He implemented major road reconstructions, initiated a citywide flower planting program, built a new senior citizens center, created Veterans Plaza, automated permit scheduling for Building and Scheduling customers, oversaw the development of several residential and retail complexes, and worked closely with Ford Motor Co. as it invested \$2 billion to transform the Rouge Center into a model of sustainable manufacturing; and

Whereas, Mayor Guido was a consummate statesman, meeting with former Presidents Clinton and Bush and serving with distinction under three governors. He ensured that the people of Dearborn received seamless service no matter the political party in leadership; and

Whereas, Mayor Guido used his office to promote racial equality and equal access. His efforts to bridge the racial and socio-economic gap in his city set the standard for such work in southeastern Michigan. He was first to promote Dearborn as home to people from more than 80 different cultures, ethnic groups, and nationalities; and

Whereas, Above all, he believed that being mayor of his hometown was “the greatest job and greatest honor in the whole world.” We are grateful for the legacy of service he has left for us; now, therefore, be it

Resolved by the Senate, That we commemorate the memory of Dearborn Mayor Michael A. Guido. May his family accept this tribute as a symbol of the high regard in which his memory is held by the people of Michigan; and be it further

Resolved, That a copy of this resolution be transmitted to the family of Mayor Michael A. Guido with our deepest condolences.

Senator Hammerstrom moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the resolution.

The motion prevailed, a majority of the members serving voting therefor.

Senators Schauer and Bishop offered the following resolution:

Senate Resolution No. 166.

A resolution to urge the National Collegiate Athletic Association to develop a playoff system to determine its Division I-A football championship in order to protect the integrity of public investment in university athletics.

Whereas, With the announcement of the NCAA Division I-A football teams that will face each other for the national championship, followers of college football in Michigan have expressed disbelief and disappointment. Although this decision is based on a system that includes considerable computer data, there seems to be little logical or objective about this decision. Serious fans can cite all kinds of “evidence” to support their outrage, but it is also obvious that the impact of this decision extends beyond the sports world; and

Whereas, The image of college football is comprised of crisp autumn afternoons, marching bands, loyal fans, and hardworking student athletes. Another major component of big-time college football, however, is captured by balance sheets. This fact is evident in the benefits that can occur for a school that competes in the national championship game; and

Whereas, Michigan's several Division I-A NCAA football programs, like those in other states, represent a significant public investment. The schools and the public at large have the right to expect that the process of determining teams for the national championship game is sound, as has been the case with all other NCAA divisions which decide their championships with playoff systems. Playoffs have proven their worth by allowing the student athletes to determine the outcome of a national championship without being detrimental to their academic pursuits; and

Whereas, The current BCS system, which includes a cornucopia of subjective factors, regional influences, emotions, and cronyism, as well as unprecedented lobbying by coaches, alumni, and even broadcasters, on top of already monumental public relations efforts, undermines the essence of college sports—fair play; and

Whereas, The controversy that seems to have surrounded the Bowl Championship Series almost since its inception in the late 1990s goes beyond the world of sports radio shows. Athletics can impact many other aspects of our universities. With the rise in applications and general interest in universities that often takes place at schools that become national champions in major sports, it is clear that Division I football championships must be settled in a more objective manner; now, therefore, be it

Resolved by the Senate, That we urge the National Collegiate Athletic Association to develop a playoff system to determine its Division I-A football championship in order to protect the integrity of public investment in university athletics; and be it further

Resolved, That copies of this resolution be transmitted to the National Collegiate Athletic Association.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations, Senator Hammerstrom moved that the rule be suspended.

The motion prevailed, a majority of the members serving voting therefor.

The question being on the adoption of the resolution,

Senator Hammerstrom moved that the resolution be referred to the Committee on Appropriations.

The motion prevailed.

Recess

Senator Hammerstrom moved that the Senate recess subject to the call of the Chair.

The motion prevailed, the time being 11:43 a.m.

2:01 p.m.

The Senate was called to order by the Assistant President pro tempore, Senator Sanborn.

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Hammerstrom moved that Senator Garcia be excused from the balance of today's session.

The motion prevailed.

Senator Hammerstrom moved that the Committee on Finance be discharged from further consideration of the following bill:

House Bill No. 5545, entitled

A bill to amend 1985 PA 106, entitled "State convention facility development act," by amending section 3 (MCL 207.623).

The motion prevailed, a majority of the members serving voting therefor, and the bill was placed on the order of General Orders.

Senator Hammerstrom moved that the Committee on Government Operations be discharged from further consideration of the following bill:

House Bill No. 4328, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 482 (MCL 168.482), as amended by 1998 PA 142.

The motion prevailed, a majority of the members serving voting therefor, and the bill was placed on the order of General Orders.

Senator Hammerstrom moved that the rules be suspended and that the following bill, now on Committee Reports, be placed on the General Orders calendar for consideration today:

House Bill No. 6606

The motion prevailed, a majority of the members serving voting therefor.

By unanimous consent the Senate returned to the order of
General Orders

Senator Hammerstrom moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the Assistant President pro tempore, Senator Sanborn, designated Senator Hardiman as Chairperson.

After some time spent therein, the Committee arose; and, the President pro tempore, Senator Birkholz, having resumed the Chair, the Committee reported back to the Senate, favorably and with amendments, the following bill:

House Bill No. 6606, entitled

A bill relating to the promotion of convention business and tourism in this state and certain metropolitan areas of this state; to provide for tourism and convention marketing and promotion programs in certain metropolitan areas; to provide for imposition and collection of assessments on the owners of transient facilities to support tourism and convention marketing and promotion programs; to provide for the disbursement of the assessments; to establish the functions and duties of certain state departments and employees; and to prescribe penalties and remedies.

The following are the amendments recommended by the Committee of the Whole:

1. Amend page 2, line 5, by striking out all of subdivision (b) and inserting:

“(b) “Assessment district” means a municipality or a combination of municipalities as described in a marketing program.”.

2. Amend page 2, line 16, after “than” by striking out “30” and inserting “25”.

3. Amend page 3, following line 8, by inserting:

“(i) “Municipality” means a city, county, village, or township.” and relettering the remaining subdivisions.

4. Amend page 4, line 15, after “levied” by striking out the balance of the line through “period,” on line 16.

5. Amend page 4, line 16, after the first “the” by striking out “county” and inserting “municipality or municipalities”.

6. Amend page 4, following line 17, by inserting:

“(4) A bureau may impose an assessment not to exceed 2% of the room charges in the applicable payment period if either of the following conditions is met:

(a) The assessment district includes a municipality having a population of more than 570,000 and less than 775,000.

(b) The assessment district includes a municipality within which is levied a 4% marketing assessment under 1980 PA 395, MCL 141.871 to 141.880.” and renumbering the remaining subsections.

The Senate agreed to the amendments recommended by the Committee of the Whole, and the bill as amended was placed on the order of Third Reading of Bills.

By unanimous consent the Senate returned to the order of
Third Reading of Bills

Senator Hammerstrom moved that the rules be suspended and that the following bill, now on the order of Third Reading of Bills, be placed on its immediate passage at the head of the Third Reading of Bills calendar:

House Bill No. 6606

The motion prevailed, a majority of the members serving voting therefor.

The following bill was read a third time:

House Bill No. 6606, entitled

A bill relating to the promotion of convention business and tourism in this state and certain metropolitan areas of this state; to provide for tourism and convention marketing and promotion programs in certain metropolitan areas; to provide for imposition and collection of assessments on the owners of transient facilities to support tourism and convention marketing and promotion programs; to provide for the disbursement of the assessments; to establish the functions and duties of certain state departments and employees; and to prescribe penalties and remedies.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 801**Yeas—29**

Allen	Clarke	Kuipers	Sikkema
Barcia	George	Leland	Stamas
Birkholz	Goschka	McManus	Switalski
Bishop	Hammerstrom	Olshove	Thomas
Brater	Hardiman	Prusi	Toy
Brown	Jacobs	Schauer	Van Woerkom
Cherry	Johnson	Scott	Whitmer
Clark-Coleman			

Nays—6

Cassis	Emerson	Patterson	Sanborn
Cropsey	Gilbert		

Excused—3

Basham	Garcia	Jelinek
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Not Voting—0

In The Chair: Birkholz

Senator Hammerstrom moved that the bill be given immediate effect.
The motion prevailed, 2/3 of the members serving voting therefor.
The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of
Statements

Senators Brown and Scott asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Brown's statement is as follows:

Madam President, I rise for a personal observation and reflection on the historic meaning of today, December 7th. Madam President, on this day, we pay tribute to the brave sailors of Pearl Harbor who lost their lives when the Japanese Imperial Navy attacked our nation's battleship force just before 8 a.m. on December 7, 1941. Within a short period of time, over 2,400 Americans were dead and the U.S. fleet decimated. This same day my maternal great-grandfather got into his truck at his home in Fort Wayne, Indiana, preparing to go to work and then without warning, he passed away. At the same time, my father was enrolled at the University of Kansas and the day's events would place him on a path of enlistment in the United States Navy. He became a navigation officer, serving on the first *USS Enterprise* and on the jeep carrier *USS Card*. December 7th was a day in the life of my family that will never be forgotten—a day remembered by families all across America because of events like these that surrounded the significance of this red-letter day.

While this ensuing war would be waged against Imperial Japan and Nazi Germany, Japanese and German names filled America's muster rolls, and these good citizens served our country with distinction. My own mother's family worked the family farm by day, and then around the dinner table at night, they spoke the language of their national heritage; they spoke German. And that is the real genius of America. People from countries all over the world can come here for freedom and opportunity and become something new. They can become Americans.

And so, Madam President, today America reflects back a generation ago when an unprovoked attack stole the peace and quiet of America, forever changing her resolve to defend freedom and liberty.

May we well remember those service men and women who fell under fire at Pearl Harbor on December 7, 1941.

Senator Scott's statement is as follows:

This week, the Office of Financial and Insurance Services released its 2006 guide to home and renters insurance in Michigan. The guide provides consumers with a way to find out what insurance companies are charging for different home and renters policies around the state.

OFIS states that this rate survey is designed to show how much rates can vary from company to company and to help us find the best coverage at the best rate. I would certainly agree with OFIS that a good way to find the best rates is to shop around.

I guess I wasn't shocked to learn from reading the report and the rate survey that Detroit rates were significantly higher amongst most all of the insurance companies than in other parts of the states. But I must say that I am shocked and saddened with what my constituents have been recently telling me about their experiences with insurance companies when it comes to filing a homeowner's claim. Given the rates that we pay in Detroit, I would expect more from our insurance companies. I have heard story after story about how insurance companies deny valid claims and do not act in good faith during the claims process. This is precisely why I introduced legislation, Senate Bill Nos. 23 and 25, requiring insurers to deal fairly and in good faith with individuals claiming benefits.

You can imagine the frustration and anger when these individuals are denied claims, after paying thousands of dollars to insure their homes. When we pay good money for a policy, we expect and we deserve to be treated fairly and with respect.

I could describe to you in detail what I have heard from several individuals who filed claims, where I simply could not believe what I was hearing. But I will spare you these details and just tell you that we must do something to require insurance companies to act in good faith when we bring legitimate claims to them.

As responsible people, we pay thousands of dollars for homeowner's policies to protect our homes and our belongings. It is the obligation and duty of insurance companies to respect that and to act fairly and diligently when we come to them with a claim.

By unanimous consent the Senate returned to the order of

Introduction and Referral of Bills

House Bill No. 4647, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 36e.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

The bill was read a first and second time by title and referred to the Committee on Finance.

House Bill No. 5923, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 754 (MCL 330.1754), as amended by 1995 PA 290.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

The bill was read a first and second time by title and referred to the Committee on Health Policy.

House Bill No. 5927, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 104 (MCL 330.1104), as amended by 1986 PA 287.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

The bill was read a first and second time by title and referred to the Committee on Health Policy.

House Bill No. 5966, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2567a (MCL 600.2567a), as amended by 2002 PA 700.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

The bill was read a first and second time by title and referred to the Committee on Appropriations.

House Bill No. 6313, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 7702, 7704, 7705, 7706, 7707, 7708, 7709, 7711, 7712, 7714, and 7717 (MCL 500.7702, 500.7704, 500.7705, 500.7706, 500.7707, 500.7708, 500.7709, 500.7711, 500.7712, 500.7714, and 500.7717), sections 7702, 7708, 7709, 7711, 7712, 7714, and 7717 as amended by 1989 PA 302, sections 7704, 7705, and 7706 as amended by 1996 PA 548, and section 7707 as added by 1982 PA 194, and by adding section 838a.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

The bill was read a first and second time by title and referred to the Committee on Banking and Financial Institutions.

House Bill No. 6474, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 16904 and 16905 (MCL 324.16904 and 324.16905), section 16905 as amended by 2002 PA 496.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

House Bill No. 6475, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 16908b.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

House Bill No. 6476, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 16906 (MCL 324.16906), as amended by 2002 PA 496.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

House Bill No. 6477, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 16909a.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

House Bill No. 6638, entitled

A bill to amend 1949 PA 208, entitled "An act to authorize cities, villages and townships of this state to designate neighborhood areas for the purpose of planning and carrying out local public improvements for the prevention of blight within such areas; to authorize assistance in carrying out plans for local improvements by the acquisition and disposal of real property in such areas; to provide for the combining of neighborhood improvements that benefit the entire neighborhood into 1 improvement project; to provide for the establishment of local assessment districts coterminous with the neighborhood boundaries; to prescribe the methods of financing the exercise of these powers, and to declare the effect of this act," by amending sections 2 and 4 (MCL 125.942 and 125.944).

The House of Representatives has passed the bill and ordered that it be given immediate effect.

The bill was read a first and second time by title and referred to the Committee on Transportation.

House Bill No. 6639, entitled

A bill to amend 1945 PA 344, entitled "An act to authorize counties, cities, villages and townships of this state to adopt plans to prevent blight and to adopt plans for the rehabilitation of blighted areas; to authorize assistance in carrying out such plans by the acquisition of real property, the improvement of such real property and the disposal of

real property in such areas; to prescribe the methods of financing the exercise of these powers; and to declare the effect of this act," by amending sections 2, 3, and 5 (MCL 125.72, 125.73, and 125.75), sections 2 and 3 as amended by 1986 PA 320.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

The bill was read a first and second time by title and referred to the Committee on Transportation.

House Bill No. 6693, entitled

A bill to amend 1988 PA 418, entitled "Uniform statutory rule against perpetuities," by amending sections 2 and 5 (MCL 554.72 and 554.75).

The House of Representatives has passed the bill and ordered that it be given immediate effect.

The bill was read a first and second time by title and referred to the Committee on Judiciary.

House Bill No. 6695, entitled

A bill to amend 1846 RS 65, entitled "Of alienation by deed, and the proof and recording of conveyances, and the canceling of mortgages," (MCL 565.1 to 565.49) by adding section 50.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

The bill was read a first and second time by title and referred to the Committee on Judiciary.

Recess

Senator Hammerstrom moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 2:36 p.m.

2:43 p.m.

The Senate was called to order by the President pro tempore, Senator Birkholz.

By unanimous consent the Senate returned to the order of

General Orders

Senator Hammerstrom moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the President pro tempore, Senator Birkholz, designated Senator Hardiman as Chairperson.

After some time spent therein, the Committee arose; and, the President pro tempore, Senator Birkholz, having resumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 1081, entitled

A bill to provide for a capital outlay program; to set forth the provisions for its implementation within the budgetary process; to make appropriations for planning and construction at state institutions and the acquisition of land; to provide for the elimination of fire hazards at the institutions; to provide for certain special maintenance, remodeling, alteration, renovation, or demolition of and additions to projects at state institutions; to provide for elimination of occupational safety and health hazards at state agencies and institutions; to provide for the award of contracts; to provide for expenditures under the supervision of the director of the department of management and budget and the state administrative board; to provide for certain advances from the general fund; to prescribe powers and duties of certain state officers and agencies; to require certain reports, plans, and agreements; to provide for leases; to prescribe standards and conditions relating to the appropriations; to make appropriations for the fiscal year ending September 30, 2007; and to provide for the expenditure of the appropriations.

Substitute (S-4).

The following are the amendments to the substitute recommended by the Committee of the Whole:

1. Amend page 3, following line 19, by inserting:

 "Alpena Community College - transportation engineering center of excellence - for program and planning to be paid for from college revenues 100".

2. Amend page 3, following line 21, by inserting:

 "Delta College - health and wellness center - for program and planning to be paid for from university revenues..... 100".

- 3. Amend page 3, following line 24, by inserting:
 “Henry Ford Community College - instructional technology and infrastructure - for program and planning to be paid for from university revenues 100
 Jackson Community College - campus renovation project - for program and planning to be paid for from college revenues 100”.
- 4. Amend page 3, following line 27, by inserting:
 “Kellogg Community College - classroom C building renovations - for program and planning to be paid for from college revenues 100”.
- 5. Amend page 4, following line 3, by inserting:
 “Montcalm Community College - MTEC expansion - for program and planning to be paid from college revenues 100
 Macomb County Community College - alternative fuel development center - for program and planning to be paid for from college revenues 100”.
- 6. Amend page 4, following line 6, by inserting:
 “Monroe County Community College - middle college technology center - for program and planning to be paid for from college revenues 100
 Muskegon Community College - museum/art project - for program and planning to be paid for from university revenues 100”.
- 7. Amend page 4, following line 15, by inserting:
 “Schoolcraft College - public safety training complex - for program and planning to be paid for from college revenues 100”.
- 8. Amend page 4, following line 18, by inserting:
 “Central Michigan University - campus-wide renovation/maintenance - for program and planning to be paid for from university revenues 100”.
- 9. Amend page 5, following line 4, by inserting:
 “Michigan State University - nursing school expansion - for program and planning to be paid for from university revenues 100”.
- 10. Amend page 5, following line 10, by inserting:
 “Oakland University - school of nursing and health science building - for program and planning to be paid for from university revenues 100”.
- 11. Amend page 5, following line 13, by inserting:
 “University of Michigan - Flint - Murchie and French hall renovations - for program and planning to be paid from university revenues 100
 Western Michigan University - Sangren hall - for program and planning to be paid for from university revenues 100
 University of Michigan - Dearborn - teacher preparation facility/child development center - for program and planning to be paid for from university revenues 100
 University of Michigan - Ann Arbor - biology building - for program and planning to be paid for from university revenues 100”.
- 12. Amend page 5, line 16, by striking out “1,600” and inserting “3,300”.
- 13. Amend page 6, following line 3, by inserting:
 “Department of military affairs - armory repairs including roof replacements, kitchen remodeling, ADA compliance issues, and restroom upgrades (total authorized cost \$5,000,000; state building authority share \$4,999,900; state general fund share \$100) 100”.
- 14. Amend page 6, following line 7, by inserting:
 “Department of education - school for the deaf renovations (total authorized cost \$2,275,000; state building authority share \$2,274,900; state general fund share \$100) 100”.
- 15. Amend page 6, line 10, by striking out “200” and inserting “400” and adjusting the subtotals, totals, and section 201 accordingly.
- 16. Amend page 30, following line 2, by inserting:
 “Sec. 809. The total cost of the Montcalm Community College life science training facility authorized in 2005 PA 10 is maintained at \$7,500,000.00. The state building authority share is increased from \$2,999,800.00 to \$3,749,800.00, the college share is reduced from \$4,500,000.00 to \$3,750,000.00, and the state general fund share remains \$200.00.”.
- 17. Amend page 36, line 12, by striking out all of section 1303.

The Senate agreed to the substitute, as amended, recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

Committee Reports

The Committee on Families and Human Services reported

House Bill No. 4420, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," by amending sections 8 and 17 (MCL 722.628 and 722.637), section 8 as amended by 2004 PA 195 and section 17 as added by 1997 PA 168.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

The committee further recommends that the bill be given immediate effect.

Bill Hardiman
Chairperson

To Report Out:

Yeas: Senators Hardiman, Hammerstrom, Sanborn, Jacobs and Clark-Coleman

Nays: None

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Families and Human Services reported

House Bill No. 6440, entitled

A bill to amend 1994 PA 204, entitled "The children's ombudsman act," by amending the title and section 3 (MCL 722.923), as amended by 2004 PA 560.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Bill Hardiman
Chairperson

To Report Out:

Yeas: Senators Hardiman, Hammerstrom and Sanborn

Nays: Senators Jacobs and Clark-Coleman

The bill was referred to the Committee of the Whole.

The Committee on Education reported

Senate Bill No. 1327, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1532 (MCL 380.1532), as amended by 1995 PA 289.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Wayne Kuipers
Chairperson

To Report Out:

Yeas: Senators Kuipers, Cassis and Van Woerkom

Nays: Senator Clark-Coleman

The bill was referred to the Committee of the Whole.

The Committee on Education reported

House Bill No. 6004, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 614, 620, 622a, 623a, 1267, and 1274 (MCL 380.614, 380.620, 380.622a, 380.623a, 380.1267, and 380.1274), section 614 as amended by 2004 PA 419, section 620 as added by 2004 PA 413, section 622a as added by 2004 PA 412, sections 623a and 1274 as amended by 2004 PA 588, and section 1267 as amended by 2004 PA 232.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

The committee further recommends that the bill be given immediate effect.

Wayne Kuipers
Chairperson

To Report Out:

Yeas: Senators Kuipers, Van Woerkom, Clark-Coleman and Leland

Nays: None

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Education submitted the following:

Meeting held on Tuesday, December 5, 2006, at 3:00 p.m., Room 110, Farnum Building
Present: Senators Kuipers (C), Cassis, Van Woerkom, Clark-Coleman and Leland

The Committee on Judiciary reported

House Bill No. 6182, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 1g to chapter IV.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

The committee further recommends that the bill be given immediate effect.

Alan L. Cropsey
Chairperson

To Report Out:

Yeas: Senators Cropsey, Bishop, Sanborn, Patterson, Schauer and Whitmer

Nays: None

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Judiciary reported

House Bill No. 6365, entitled

A bill to amend 1949 PA 38, entitled "An act concerning perpetuities and the suspension of the absolute power of alienation with respect to interests in real property, making uniform the law as to real and personal property; and repealing sections 14, 15, 16, 17, 18, 19, 20 and 23 of chapter 62 of the Revised Statutes of 1846, being sections 554.14, 554.15, 554.16, 554.17, 554.18, 554.19, 554.20 and 554.23, respectively, of the Compiled Laws of 1948," by amending the title and section 3 (MCL 554.53), section 3 as amended by 1988 PA 417; and to repeal acts and parts of acts.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

The committee further recommends that the bill be given immediate effect.

Alan L. Cropsey
Chairperson

To Report Out:

Yeas: Senators Cropsey, Bishop, Schauer and Whitmer

Nays: Senator Patterson

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Judiciary reported

House Bill No. 6366, entitled

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending sections 2702 and 2722 (MCL 700.2702 and 700.2722), section 2702 as amended by 2000 PA 54.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

The committee further recommends that the bill be given immediate effect.

Alan L. Cropsey
Chairperson

To Report Out:

Yeas: Senators Cropsey, Bishop, Schauer and Whitmer

Nays: Senator Patterson

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Commerce and Labor reported

Senate Bill No. 350, entitled

A bill to amend 1933 PA 254, entitled "The motor carrier act," by amending sections 2 and 10a of article V (MCL 479.2 and 479.10a), section 2 of article V as amended by 1996 PA 76 and section 10a of article V as amended by 1993 PA 352, and by adding article I-A; and to repeal acts and parts of acts.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

The committee further recommends that the bill be given immediate effect.

Jason E. Allen
Chairperson

To Report Out:

Yeas: Senators Allen, Toy and McManus

Nays: None

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Labor submitted the following:

Meeting held on Wednesday, December 6, 2006, at 1:00 p.m., Room 210, Farnum Building

Present: Senators Allen (C), Toy, McManus and Olshove

Excused: Senator Schauer

The Committee on Commerce and Labor reported

House Bill No. 5901, entitled

A bill to amend 1975 PA 197, entitled "An act to provide for the establishment of a downtown development authority; to prescribe its powers and duties; to correct and prevent deterioration in business districts; to encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans in the districts; to promote the economic growth of the districts; to create a board; to prescribe its powers and duties; to authorize the levy and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to reimburse downtown development authorities for certain losses of tax increment revenues; and to prescribe the powers and duties of certain state officials," by amending section 1 (MCL 125.1651), as amended by 2005 PA 115.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Jason E. Allen
Chairperson

To Report Out:

Yeas: Senators Allen, Toy and Olshove

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Commerce and Labor reported

House Bill No. 6606, entitled

A bill relating to the promotion of convention business and tourism in this state and certain metropolitan areas of this state; to provide for tourism and convention marketing and promotion programs in certain metropolitan areas; to provide for imposition and collection of assessments on the owners of transient facilities to support tourism and convention marketing and promotion programs; to provide for the disbursement of the assessments; to establish the functions and duties of certain state departments and employees; and to prescribe penalties and remedies.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Jason E. Allen
Chairperson

To Report Out:

Yeas: Senators Allen, Toy, McManus and Olshove

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Labor submitted the following:

Meeting held on Tuesday, December 5, 2006, at 3:00 p.m., Room 100, Farnum Building

Present: Senators Allen (C), Toy, McManus and Olshove

Excused: Senator Schauer

The Committee on Economic Development, Small Business and Regulatory Reform reported
Senate Bill No. 1303, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 2201, 2202, 2203, 2204, 2205, 2208, 2209, 2210, and 2211 (MCL 339.2201, 339.2202, 339.2203, 339.2204, 339.2205, 339.2208, 339.2209, 339.2210, and 339.2211), section 2204 as amended by 1981 PA 83 and sections 2205 and 2209 as amended by 1988 PA 463, and by adding section 2202a.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

The committee further recommends that the bill be given immediate effect.

Alan Sanborn
 Chairperson

To Report Out:

Yeas: Senators Sanborn, Gilbert and Basham

Nays: None

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Economic Development, Small Business and Regulatory Reform reported
Senate Bill No. 1304, entitled

A bill to amend 1979 PA 152, entitled "State license fee act," by amending section 15 (MCL 338.2215), as amended by 2003 PA 87.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Alan Sanborn
 Chairperson

To Report Out:

Yeas: Senators Sanborn, Gilbert and Basham

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Economic Development, Small Business and Regulatory Reform submitted the following:

Meeting held on Wednesday, December 6, 2006, at 3:00 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Sanborn (C), Gilbert and Basham

Excused: Senators Allen and Jacobs

Scheduled Meetings

Judiciary - Tuesday, December 12, 1:00 p.m., Room 210, Farnum Building (373-3760)

Michigan Law Revision Commission - Monday, December 18, 1:00 p.m., Room 426, Capitol Building (373-0212)

Natural Resources and Environmental Affairs - Tuesday, December 12, 11:00 a.m. or later immediately following session, Room 405, Capitol Building (373-3447)

Senior Citizens and Veterans Affairs - Wednesday, December 13, 1:00 p.m., Room 100, Farnum Building (373-1707)

Transportation - Tuesday, December 12, 3:00 p.m., Room 110, Farnum Building (373-7708)

Senator Hammerstrom moved that the Senate adjourn.

The motion prevailed, the time being 2:51 p.m.

The President pro tempore, Senator Birkholz, declared the Senate adjourned until Tuesday, December 12, 2006, at 10:00 a.m.

CAROL MOREY VIVENTI
 Secretary of the Senate

